

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

MELANIE DAVIS

v.

CAROLYN COLVIN, Acting
Commissioner, Social Security
Administration

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C.A. No. 14-489ML

REPORT AND RECOMMENDATION

Lincoln D. Almond, United States Magistrate Judge

Plaintiff filed this Social Security appeal on November 6, 2014 accompanied by a Motion to Proceed In Forma Pauperis (“IFP”) and be excused from payment of the \$400.00 civil case filing fee. (Document No. 2). Plaintiff’s IFP Application was supported by a Financial Affidavit and Addendum. On December 3, 2014, Plaintiff was ordered to submit a more detailed Financial Affidavit to allow the Court to determine if she was financially unable to pay the filing fee. (Document No. 4). Plaintiff submitted a Supplemental Affidavit on December 17, 2014. (Document No. 5).

After reviewing both Affidavits, the Court finds that Plaintiff has not shown a financial inability to pay the \$400.00 civil case filing fee. In her Supplemental Affidavit, Plaintiff discloses joint bank accounts with combined balances in excess of \$10,000.00 and she previously disclosed that she owns a 2014 Mazda CV5 worth \$24,000.00 that her husband bought for her.¹ Based on this

¹ Although she now discloses over \$10,000.00 in jointly held bank accounts, her original affidavit only disclosed a total of \$40.00. She also now discloses that her husband has investments worth approximately \$50,000.00 which are not jointly held.

information, I recommend that Plaintiff's Motion to Proceed IFP be DENIED and that this case be DISMISSED without prejudice absent prompt payment of the \$400.00 civil case filing fee.

Any objection to this Report and Recommendation must be specific and must be filed with the Clerk of the Court within fourteen (14) days of its receipt. See Fed. R. Civ. P. 72(b); LR Cv 72. Failure to file specific objections in a timely manner constitutes waiver of the right to review by the District Court and the right to appeal the District Court's decision. See United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603, 605 (1st Cir. 1980).

/s/ Lincoln D. Almond
LINCOLN D. ALMOND
United States Magistrate Judge
December 23, 2014